

shall be lawful for the person to whom such costs and expenses are payable to recover the same from such occupier by the summary proceeding hereby provided, in such proportions and at such times as shall be appointed by the award of the said official referees in that behalf;—and after such notice shall be given, and before such costs and expenses shall be paid, it shall not be lawful for any person otherwise entitled to receive such costs and profits and he is disabled from bringing any action, and from taking any proceeding at law or in equity to recover such costs and profits;—but if on the hearing of the application for the warrant to levy such costs and expenses by distress, according to the provision of this Act in that behalf, the occupier, not being an owner, shew that he is not bound to pay in respect of such building or tenement any rent or profit, or that the amount of the rent or profit payable by him is not sufficient, then it shall not be lawful to issue such warrant; if there be no rent due or accruing, or if there be rent due or accruing, then to the extent only of the amount of such rent;—and if such costs and expenses are any part thereof remain unpaid, and if the same or any future occupier be or, because liable to pay rent in respect of such building or tenement, then, from time to time until the same be paid, it shall be lawful to levy the same by distress, according to the provisions of this Act in that behalf, upon the same or any such future occupier. s. 49.

Official Referees to determine proportional contribution.—Recovery of excess paid by any contributor. With regard to such costs and expenses of works executed under this Act, so far as relates to contribution thereto by persons bound or liable to make contribution, for the purpose of enabling the party upon whom the payment of such costs and expenses shall fall, either in the first instance or subsequently, to obtain contribution from other persons, being owners according to the meaning of this Act, in like degree, and so bound or liable to make contribution, every such first-mentioned person, (whether he be freeholder, copyholder, leaseholder, mortgagee in possession, and whatever may be his interest, or the nature and extent of such his interest, or whether he hold in his own right or in right of others, and whatever may be the kind and degree of their respective interests), is entitled to a contribution from every other person having an owner or interest in the premises, of whatever kind or degree, which contribution is to be computed according to the amount of his interest in proportion to that of other persons interested, so far as such persons may be known, or can be reached by process of any court of law or equity;—and it shall be lawful for any party so interested to require the official referees to settle and determine the same by their award, and their decision shall be final;—and if the person upon whom the payment of such costs and expenses shall have fallen have paid in respect of the interest of another or others, either unknown or who could not be reached by process of any court of law or equity, more than his own just proportion, then, on the production of such award, duly made, signed, and sealed, it shall be lawful for such person to have and exercise against other parties against whom such award shall be made the like remedies to compel payment of money as are given for compelling the first payment of such costs and charges of such expenses. s. 50.

EXTERNAL WALL (the term) to apply to every outer wall of buildings now built or hereafter to be built, which (excepting the footing thereof on one side) shall stand wholly upon ground of the owner of such building, and shall not be used or intended to be used as a party wall under the definition thereof contained in this Act, whether the same shall adjoin or not to other outer or to party-walls. s. 2.

External wall against a party-wall. If the owner of one of the buildings parted by a party-wall rebuild such building of a higher rate, and do not pull down such party-wall and build a proper wall in lieu thereof, then it shall be his duty to build up an external-wall against such party-wall. s. 27.

External-wall, 2 days' notice to be given to the district-surveyor, at his office, before began to be built, pulled down, rebuilt, cut into, or altered. s. 13. See *Penalty*.

External-walls, stopping illegal openings in. See *Openings in external walls*.

External-walls to buildings of whatever class must be built of sound bricks or of stone, or of such bricks and stone together, laid in and with mortar or cement, in such manner as to produce solid work; and every such wall must be carried up of its full thickness to the under side of the plate under the roof. Nevertheless, in such walls, besides all requisite openings for doors and windows, recesses may be formed, so that the back thereof be of less, at least thick, and so that the stability and sufficiency of the work be not injuriously affected by making such recesses in such walls.—There may be such wood and iron as shall be necessary.—Every plate, lintel, board, corbel, being of wood, and every wood-brick laid into any external wall, and all ends of joists, or girders, and of the heads and sills of partitions running into any external wall, must be fixed at a distance from the external face of the wall of 4 ins. at least.—The frames of doors and windows must be fixed in recesses at a

distance from the external face of the wall of 4 ins. at least.—And shop-fronts must be fixed in such manner as herein specially directed.—The tiers of door-cases to warehouses must be fixed in the openings left in such walls at a distance from the external face of the wall face of 2 ins. at least.—But no timber must be laid into any external wall in such manner or of such length as to render the part of the wall above it wholly or in great part dependent upon the wood for support, or so that any such wood might not be withdrawn without endangering the safety of the superincumbent structure, except in the case of breast-summers. Schedule D, Part II.

External-wall used as a party-wall to any building adjoining thereto (except an attached building or office): If the external wall of any building have not such footings, or be not of such height and thickness, or be not built in such manner and of the materials directed for party-walls of buildings of the highest rate to which such wall shall adjoin, then such external wall must not be used as a party-wall for any such building; but there must be a distinct external wall, built as herein described for external walls, of the rate to which it shall belong.—But if such external wall to any building already built be at least 13 in. thick in every part, and be of sound and proper materials, and in good condition, then such wall may be used as a party-wall;—but if the house of which such wall forms a part be rebuilt within 5 years from the time at which the wall shall have been so first used as a party-wall, then such wall must become subject to the provisions of this Act in respect of party-walls, according to the class and rate to which the said wall did first belong. Schedule D, Part II.

EXTRA-PAROCIAL places. See *Parish (the word)*.

FAMILIES, different, occupation of buildings by, brings separating walls within the denomination and regulations of party-walls. s. 2. See *Party-walls (the term)*.

FEE. If any district-surveyor demand or wilfully receive any higher fee than he shall be entitled to under this Act, or if in his capacity of surveyor he receive a fee for any act or omission in respect of which he is not entitled to receive any remuneration, or if he refuse to refund any fee wrongfully received by him in respect whereof the official referees shall have made an order to that effect, he shall be fined in such sum of money not exceeding 50*l.* as the justices shall think fit, or be discharged forthwith; and shall be incapable of being again appointed a surveyor for the purposes of the Act. s. 79.

Fees of district-surveyor to be paid by party-owners in ruinous or dangerous a party-wall by cutting away. s. 79.

Fees, deputy district-surveyors, duly appointed, entitled to receive. s. 73.

Fees, assistant district surveyors to receive all, payable in respect of their services performed. s. 75.

Fees of district-surveyors and official referees in respect of party structures recoverable. s. 46.

Fees appointed by the Commissioners of the Treasury to be paid for the services of the official referees and Registrar of Metropolitan Buildings, the Registrar to cause a list of, to be fixed up in some conspicuous part of his office. s. 98.

FEMININE gender to be taken as intended by the Act, although the masculine may alone be mentioned. s. 2.

FENCES and FENCE-WALLS, how affecting isolated buildings. See *Isolated buildings*.

FENCIBLE brick. See *Chimney-stops*.

FILE, notices to the official referees the registrar is to. s. 92.

FINISHINGS, internal, to be made good by a party who rebuilds a sound party-wall, not condemnable. s. 26.

FIRE-PROOF, questions relative to the meaning of the term, official referees are to decide, being thereto required in writing. s. 82.

Fire-proof recesses and stairs to buildings of the First and Third Classes. Internal stairs of stone or other incombustible substance to buildings of the first class, must be set in, or fixed in, and be wholly upborne by, fire-proof constructions, and must be connected internally by landings, the floors of which are fire-proof, and wholly upborne and supported by fire-proof constructions, and must be connected with the exterior entrance by passages, the floors of which are fire-proof, and wholly upborne and supported by fire-proof constructions.—And in buildings of the third class, the floors of the halls, vestibules, lobbies, corridors, passages, and the stairs and landings, and all other ways of ingress and egress within the building to and from all rooms or apartments used for public congregation, and to and from all galleries being part of, or being connected with, any such room or apartment, must be wholly supported, constructed, formed, made, and finished fire-proof. Schedule C, Part VI.

FIRE-PLACES required to under-ground rooms and cellars let as separate dwellings. See *Chimneys, open*.

FIRST or DWELLING-HOUSE CLASS. Buildings built originally as dwelling houses, or occupied, or intended to be occupied as such. Schedule C, Part I. s. 5. See *Class, alteration of*. Every building of, must be built with some roadway, either to it or to the inclosure about it, of such width as will admit to one of its fronts of the access of a scavenger's cart of the ordinary size of such carts. Schedule K.

FIRST-RATE, 1st or dwelling-house class (district-surveyor's fee, new building, 3*l.* 10*s.*; addition or alteration, 1*l.* 15*s.* Schedule L).

covering more than	if containing 7 stories, and not more than 14 squares,	if in height more than 70 feet, and not more than 85 feet,
10 squares,	more than 7 stories,	more than 85 feet,

thickness of the external walls (subject to modification, as including walls of stories, which article see) must be at least 21 inches from the top of the footing up to the under side of the floor next but three below the topmost floor; and at least 17 inches from there up to the top of the wall. Schedule C, Part II.

FIRST-RATE, (Extra) 1st or dwelling-house class (district-surveyor's fee, new building, 5*l.* 5*s.*; addition or alteration, 2*l.* 10*s.* Schedule L).

covering more than	if containing 7 stories, and not more than 14 squares,	if in height more than 85 feet,
14 squares,	more than 7 stories,	more than 85 feet,

thickness of the external walls (subject to modification, as including walls of stories, which article see) must be at least 21 inches from the top of the footing up to the under side of the floor next but two below the topmost floor, and at least 17 inches from there up to the top of the wall;—thickness of the party-walls must be at least 21 inches from the top of the footing up to the under side of the floor next but three below the topmost floor; and at least 17 inches from there up to the under side of the topmost floor; and at least 13 inches from there up to the top of the wall. Schedule C, Part II.

FIRST-RATE BUILDINGS of the 2nd or warehouse class are, subject to provisions of schedule C, placed under the special supervision of the official referees as well as of the district-surveyors. s. 6.

FIRST-RATE, 2nd or warehouse class, in height more than 60 feet (district-surveyor's fee, new building, 3*l.* 10*s.*; addition or alteration, 1*l.* 15*s.* Schedule L).

thickness of the external walls (subject to modification, as including walls of stories, which article see) must be at least 21 inches from the top of the footing up to the level of 36 feet below the topmost ceiling; and at least 17 inches from there up to the level of 36 feet below the topmost ceiling; and of the least 17 inches from there up to the top of the wall;—and the thickness of two party-walls must be at least 26 inches from the top of the footing to the level of 36 feet below the topmost ceiling; and at least 17 inches from there up to the level of the topmost ceiling; and at least 13 inches from there up to the top of the wall. Schedule C, Part II.

IT, question relative to the meaning of the term, official referees are to decide, being thereto required in writing. s. 82.

FLAT. See *Roof coverings*.

FLOOR (the word) to mean the horizontal platform forming the base of any story, and to include the timber or beams or any other substance constituting such platform. s. 2. [We apprehend that as floors are frequently placed purposely out of level, the dispensing power of the Commissioners of Works and Buildings will, on the requisite occasions, direct the word "horizontal" to be omitted as tending to defeat the obvious intention of the Act; and we apprehend the medium level should be taken in all measurements of altitude.]

Floor (basement). Areas most extend 6 in. below. Schedule K.

Floors separating buildings from public ways. See *Public way, buildings over*.

FIFTY, two days' notice to be given to the district-surveyor at his office before began to be built, pulled down, rebuilt, cut into, or altered. s. 13. See *Penalty*.

FUSES, angles of. If any fuse be built with sufficient openings in it of size not less than 9 in. square, and with proper close-drawn doors and frames inserted in such openings, so that every part of such fuse may be swept by machinery, then every angle in such fuse may be of any degree. But if it be not so built, then every such angle must be 135 degrees at least. And every sillcot or projecting angle within a fuse must be rounded off 4 in. at least, and be protected by a rounded stone or iron bar. Schedule F.

FOOTINGS. See *Foundations of walls*.

FOOTWAY, not accompanied by carriage-way, brings a public place within the denomination of an alley. s. 2. See *Alleys, also Widths*.

FOUNDATIONS, old, buildings erected upon. See *Buildings, new and old, for general regulations relative thereto*.

FOUNDATION OF WALLS. Every external wall, party-wall, and party fence-wall, must be built upon a constructed footing, based upon solid ground, or upon other sufficient foundations.

FOOTINGS:—

Materials. Sound bricks or stone, or such bricks and stone together, laid in and with mortar and cement in such manner as to produce solid work.